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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,407	08/17/2001	Chang Ryul Lee	2669-0111P	3882
2292	7590	03/12/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			NGUYEN, CHANH DUY	
			ART UNIT	PAPER NUMBER
			2675	7

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,407

Applicant(s)

LEE, CHANG RYUL

Examiner

Chanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-7 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on December 15, 2003 has been entered and considered by examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horsley (U.S. Patent No. 6,480,188 B1)) in view of Kushiro et al (U.S. Patent No. 6,285,357, and further in view of Gaughan et al (U.S. Patent No. 5,589,893).

As to claim 1, Kushiro discloses a remote control device with a displays (1) including a machine selection wheel switches section (2) which is situated at inside the case (100) and some parts of the section (2) being exposed through the front surface and containing a first wheel operation section (e.g., 10), a first click encoder (e.g., rotary encoder; see column 9, lines 34-36), a first push sensor (e.g., second dimension rotary encoder ; see column 26, lines 42-52). Kushiro teaches a CPU (control processing section 51) which inputs, outputs controls the electric signals generated by rotation of

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the machine selection wheel switch (2), a signal transmitting section (communication 6) in connection with output and a memory (52), and a click sound generation section (11).

Kushiro teaches the use of only one wheel for performing both functions of machine selection and menu selection. Horsley teaches using a plurality of wheels (6a-6d) performing functions of machine selection (e.g., radio, CD, tape system) and menu selection (next level of hierarchical structure) (see column 4, lines 5-54) . It would have been obvious that the menu function selection wheel of Horsley containing a wheel operation section, a click encoder and a push sensor as the same way as wheel operation section of Kushiro does because the menu function selection wheel section (24) of Horsley will not operate without the encoder and sensor

It would have been obvious to one of ordinary skill in the art at the invention was made to have added menu function selection switch section (24) of Horsley to the remote control of Kushiro so that the user is more attuned to a rapid presentation of information and selection capability (see column 1, lines 157-64 of Horsley). Both Kushiro and Horsley teaches a display section situated at an upper section of the case. Horsley further teaches a display section information that is response to the rotation of the plurality of wheels (6a-6D).

Both Kushiro and Horsley do not mention a function selection ball switch section. Gaughan teaches a handheld remote control including a trackball 42 (see column 2, lines 65-67) exposed from the front surface. Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have added or substituted the trackball as taught by Gaughan to the remote control of Kushiro as modified by

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Horsley (i.e. trackball can be substituted one of the wheel section (6a-6d) of Horsley so that the menu can select by a smooth cursor movement on the viewing screen (see column 3, lines 60-65 of Gaughan).

Allowable Subject Matter

4. Claims 2-7 are allowed.

Response to Arguments

5. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

In view of amendment, the reference of Horsley has been added for new ground of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (703) 308-6603.

If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Steven Saras can be reached at 305-9720.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306


Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA, Sixth Floor (Receptionist)

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


C. Nguyen
March 3, 2004


CHANH NGUYEN
PRIMARY EXAMINER